



CAST, Inc.; 40 Harvard Mills Square, Suite 3; Wakefield, MA 01880-3233
Voice (781) 245-2212; TTY (781) 245-9320; Fax (781) 245-5212; nimas@cast.org

NIMAS Development and Technical Assistance Centers

A NIMAS Policy Brief: Progress on Implementation of the National Instructional Materials Accessibility Standard (NIMAS)

April 2008

Introduction

As you already know, obtaining high-quality and appropriate specialized formats such as Braille, audio, e-text, and large print in a timely manner is important to the success of students with print disabilities. These students include those who are blind, have low vision, have physical limitations that make it difficult to manage print-based materials, and those with reading-related learning disabilities. It is encouraging to know that many States are making progress by using the resources that are already available to them. These include many OSEP-supported SEA and LEA initiatives.

The purpose for this communication is to provide updated information about the NIMAS-related developments that may impact choices that are made within States and local education agencies. Recent developments should be of interest to anyone responsible for implementing IDEA 2004 and the regulations pertaining to the statute. The Office of Special Education Programs (OSEP), U. S. Department of Education, now provides support for maintaining and improving the NIMAS specification; technical assistance to States, publishers, and conversion houses; a consortium of States working together to implement NIMAS requirements; a national accessible materials production and distribution service at Bookshare specific to meeting the needs of qualified students; and ongoing support for Recording for Blind & Dyslexic (RFB&D) and the American Printing House for the Blind (APH). It is important to understand what options are available and how best to use available resources.

Background

NIMAS is a technical standard used by publishers to produce source files using EXtensible Mark-up Language (XML) that may, in turn, be used to develop multiple specialized formats for students with print disabilities. Source files are prepared using XML tags to mark up the structure of original content and to provide a means for presenting that content in a variety of ways. For example, once a NIMAS fileset has been produced for printed materials, the XML and image source files may be used to create specialized formats such as Braille, large print, HTML, DAISY talking books using human voice or text-to-speech, audio files derived from text-to-speech transformations, and more. The specialized formats created from NIMAS filesets may then be used to support a diverse group of learners who qualify as students with print disabilities.

It is important to note that most elementary and secondary educational publishers do not own all of the electronic rights to their textbooks and related core print materials, and a copyright exemption allows them to deliver the electronic content of a textbook and its related core print materials to the National Instructional Materials Access Center (NIMAC), a national repository which began operations on

12/3/06. As long as publishers possess a textbook's print rights, NIMAS filesets may be provided to the NIMAC. NIMAS applies to instructional materials published and sold on or after 7/19/06.

Annual Application Under Part B of IDEA 2004

Each State Education Agency (SEA) is encouraged to adopt NIMAS and to coordinate with the NIMAC. Adopting NIMAS does not mean that an SEA adopts the Standard exclusively. It may still be appropriate for some States to adopt NIMAS, include NIMAS requirements in State textbook adoptions, and request Rich Text format documents should existing systems for creating braille require it. It should be noted that requesting additional formats may not be necessary, since NIMAS files may be converted to Rich Text if desired. Some States may require a brief phase in period.

New NIMAS Standards Board and NIMAS Implementation Advisory Council

The NIMAS Development Committee has been reorganized into two new working groups that meet annually in January. The NIMAS Standards Board informs and guides the work of the NIMAS Development Center and the NIMAS Implementation Advisory Council guides the work of the NIMAS Technical Assistance Center supporting SEAs, K-12 publishers and content conversion services. The agenda, hand-outs, PowerPoint slides, and meeting highlights for each initial meeting of the new Board and Council have been posted to the Board and Council pages, respectively, on the NIMAS web site.

NIMAS Standards Board: <http://nimas.cast.org/center/board/index.html>

NIMAS Implementation Advisory Council: <http://nimas.cast.org/center/council/index.html>

AIM Consortium

Following a competition in 2007, CAST was awarded OSEP funding for 18 months to support 15 SEAs that elected to participate in the AIM Consortium. These SEAs are working together to develop policies, procedures, infrastructure, materials, and training to facilitate the delivery of specialized formats to students with print disabilities in a timely manner. Although the States are working together, each is developing its own approach to meeting the needs of students with print disabilities. This work will lead to the development of knowledge and assets that will assist every SEA that is developing systems to implement NIMAS. Information is available from <http://aimconsortium.cast.org>.

CIMAP

Following a competition in 2007, The Center for Excellence in Developmental Disabilities Education, Research and Service (CEDDERS) at the University of Guam was awarded OSEP funding for 18 months to implement the Pacific Consortium for Instructional Materials Accessibility Project. CIMAP is working closely with the Pacific territories, freely associated States and outlying areas to implement NIMAS and to improve timely access to instructional materials in specialized formats. Refer to pages 2 and 3 of http://www.guamcedders.org/download/itellai/pdf_files/itellai_dec2007.pdf for details.

Bookshare for Education (B4E)

Following yet another competition in 2007, Benetech was awarded OSEP funding for 5 years to develop and implement Bookshare for Education (B4E). As of October 1, 2007, Bookshare no longer charges a membership fee to students with print disabilities. Their textbook library of digital talking books is growing, and NIMAS filesets of textbook titles are now assigned to this national accessible media producer (AMP) on a daily basis. To ensure that members have access to K-12 textbooks and core

related print instructional materials derived from NIMAS filesets, it is essential that the SEA-assigned Authorized Users (AUs) assign titles to them via the NIMAC. Bookshare has a quick turn-around time and is developing a special area for school members interested in specialized formats created from files obtained from the NIMAC. Bookshare also offers Victor Reader software as part of its free membership to students and plans to offer a robust, yet free, version of the Don Johnston Read:OutLoud software program in September, 2008. Bookshare also plans to provide images with its DAISY books later in 2008 and will include alternative text for those images in 2009. Bookshare already offers over 35,000 books and is growing its NIMAS-based textbook conversions at a rapid rate. In addition to the traditional individual student authorization available through local education agencies, the B4E program is now facilitating group sign-ups when submitted by an authorized representative. See <http://www.bookshare.org/> for additional information.

Recording for the Blind & Dyslexic (RFB&D)

RFB&D currently has over 43,000 digital audio books available for use by its members. They are currently completing work on a conversion tool that will allow them to quickly create a Digital Talking Book with text and text-to-speech capabilities for mid-elementary level and above from NIMAS filesets. The plan is to continue developing high-quality, voice-recorded audio versions for learners in the lower elementary grades and to create digital audio books for the higher grade levels. Their audio versions require human voice recording and are likely to take three to six months. To ensure that RFB&D members have access to K–12 textbooks and core related print instructional materials derived from NIMAS filesets, it is essential that the SEA-assigned Authorized Users (AUs) assign titles to them via the NIMAC. RFB&D offers both hardware- and software-based reading tools for its AudioPlus digitally recorded CDs. Membership is fee-based and is supported, in part, with annual funding provided through OSEP. This annual source of funding was recently restored within an appropriations bill signed by the President on December 26, 2007. See <http://www.rfbd.org/> for additional information.

American Printing House for the Blind (APH)

APH is supported by OSEP with quota funds that are, in turn, allocated to State-level Instructional Resource Centers for the Blind and Low Vision (IRCBLV). Almost every State has an IRC to coordinate the development and delivery of appropriate Braille, large print, digital talking books, and specialized materials for the blind and low vision population. APH produces Braille and large print and develops products that are used to improve access and learning. APH also hosts the LOUIS Database which is used extensively to locate accessible materials in a variety of formats: See <http://www.aph.org/louis/louis.html/> for additional information.

NIMAC Update

The National Instructional Materials Access Center (NIMAC) at APH has implemented a robust system to work with SEA coordinators, SEA-appointed authorized users (AUs), accessible media producers (AMPs), and publishers. Problematic language within the Limitation of Use Agreement (LUA) has been resolved, and Congress now protects the NIMAC from copyright liability in cases where there may be improper activity within a State or local education agency. Most every State has agreed to coordinate with the NIMAC and there is, quite frankly, no reason not to. Coordinating with the NIMAC does not limit State options in any way and provides opportunities to support the development of a national inventory of NIMAS filesets by publishers. As of late March 2008, NIMAC housed over 5,000 NIMAS filesets; 44 States and territories had registered coordinators; 30 States had designated AUs (with 7 more pending); 56 publishers had registered; and there were 51 registered AMPs. The future availability of

accessible materials to qualified students depends on SEAs and LEAs requiring publishers to prepare and submit NIMAS filesets to the NIMAC, on identifying students with print disabilities, having SEA-level AUs assign files to qualified AMPs via the NIMAC, and then arranging appropriate access to the services of national AMPs such as APH, Bookshare, and RFB&D. Some SEAs are downloading NIMAS files and doing their own conversions as well as assigning files to local AMPs such as Braille transcribers and digital talking book producers. See <http://nimac.us/> for additional information.

Assistive Technology Industry

An important development over the past year has been the creation and sale of new technologies that read NIMAS filesets directly and those that read and display specialized formats created from NIMAS filesets. Major Braille transcription software developers have implemented new features that import NIMAS filesets, facilitate refinement of the files, and produce electronic and embossed Braille.

Association of American Publishers (AAP)

We have heard a number of reports with regard to the Association of American Publishers (AAP) lobbying at the State level to influence legislation and textbook adoption language. The NIMAS Technical Assistance Center position regarding who qualifies for specialized formats derived from NIMAS filesets is consistent with An Act to Provide Books for the Adult Blind (approved March 3, 1931, 2 U.S.C. 135a) and its amendments, National Library Service guidelines, and years of actual practice by national accessible media producers (AMPs), such as Bookshare and RFB&D. Consistent with the Library of Congress regulations, NIMAS supports a range of students with print disabilities--those who are blind, have low vision, have physical limitations that make it difficult to manage print-based materials, and those with reading-related learning disabilities due to organic dysfunction. Based on past practice, students in the latter category generally qualify under the physical category and would typically be certified by an educational expert in the field of learning disabilities. We understand that some States have decided to implement a more conservative approach and include students with reading-related learning disabilities in the organic dysfunction group that requires a medical certification.

A Mini-FAQ

- **Who qualifies as print-disabled?**

The Office of Special Education Programs (OSEP) NIMAS Regulations Summary (available at http://nimas.cast.org/about/regulations/osep_summary.html) refers to the Library of Congress regulations:

“The Library of Congress regulations (36 CFR 701.6(b)(1)) related to the Act to Provide Books for the Adult Blind (approved March 3, 1931, 2 U.S.C. 135a) provide that "blind persons or other persons with print disabilities" include: (i) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees. (ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material. (iii) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations. (iv) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

Competent authority is defined in 36 CFR 701.6(b)(2) as follows: (i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). (ii) In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines."

However, in practice, this topic lacks clear parameters. A number of SEAs have begun to discuss how they can work together to advance our thinking in this area. It is estimated that approximately 5% of the total K-12 student population may qualify for specialized formats created from NIMAS filesets.

- **What about students that have print disabilities who don't qualify?**

SEAs remain responsible for ensuring that all students with print disabilities are provided with accessible materials although it may be difficult to achieve FAPE, ensure civil rights, and avoid copyright violations. This is a topic of concern for many and includes students with print disabilities who are supported with Section 504 plans.

- **Should an SEA arrange to download files and do their own file conversions?**

Perhaps, although it may be best to first explore the services available from national-level accessible materials producers and distributors such as APH, Bookshare, and RFB&D; and local Instructional Resource Centers for the Blind and Low Vision (IRCBLVs).

- **What about books published prior to July 19, 2006, when NIMAS was published in the Federal Register?**

OSEP has taken the position that every textbook and related print core materials sold by K-12 publishers (i.e., works still "in print" as opposed to "out of print") after July 19, 2006 is subject to a request for conversion to NIMAS filesets and subsequent submission to the NIMAC.

- **What are the basics steps required to implement NIMAS at the SEA level?**

Please refer to page 6 of this document for a list of suggested steps.

- **Where can I find additional information about NIMAS and the NIMAC?**

Please refer to page 7 of this document for links to pertinent additional information.

This document was prepared by the NIMAS Technical Assistance Center with support from the U. S. Department of Education, Office of Special Education Programs, (Grant No. H327040002). However, the opinions expressed herein do not necessarily reflect the policy or position of the U. S. Department of Education, Office of Special Education Programs, and no official endorsement by the Department should be inferred.



CAST, Inc.; 40 Harvard Mills Square, Suite 3; Wakefield, MA 01880-3233
Voice (781) 245-2212; TTY (781) 245-9320; Fax (781) 245-5212; nimas@cast.org

NIMAS Development and Technical Assistance Centers

NIMAS/NIMAC IMPLEMENTATION ACTION ITEMS – 15 Generic Steps

Each SEA will need to plan and implement policies and procedures that are considerate of existing services and the resources available for NIMAS/NIMAC. Both steps and order will differ from State to State.

1. SEA Adopts NIMAS (Part B Assurances) and defines “timely manner” regarding the delivery of specialized formats to students with print disabilities.

2. SEA elects to coordinate with NIMAC (Part B Assurance).

3. LEAs elect to coordinate with NIMAC (LEA to SEA Assurance).

4. SEAs Special Education Administrator appoints a NIMAS/NIMAC Coordinator (NNC).

5. SEA gathers information regarding existing policies and practices.

- a. Coordinates with State Assistive Technology program(s),
- b. May establish a Statewide accessible materials coordination council* or implementation committee, and
- c. Reviews existing State legislation for potential conflicts with IDEA 2004 statute and regulations.

** A coordination council might include the SEA NIMAS/NIMAC coordinator, assistive technology (AT) agency representative, textbook administrator, an authorized user (AU), education technology program representative, blind/low vision services representative, Statewide assessment office representative, parent representative and perhaps a representative from an educational publisher and/or accessible media producer (AMP).*

6. SEA develops and enacts policies to implement NIMAS.

- a. Develops, adapts or adopts language for textbook adoption contracts and/or provides sample language for LEA purchase orders,
- b. Develops policies to clarify how eligibility verification will be addressed in alignment with other State IDEA compliance policies, and
- c. Supports delivery of professional development at all levels necessary to ensure policy implementation.

7. SEA develops a plan to improve and expand existing programs.

- a. Integrates existing practices/programs with NIMAS/NIMAC process,
- b. Expands/improves programs to meet Statewide needs of all students with print disabilities, and
- c. Supports delivery of professional development for effective practice implementation.

8. SEA NIMAS/NIMAC Coordinator registers with NIMAC, then signs and submits the NIMAC Coordination Agreement.

9. SEA NIMAS/NIMAC Coordinator identifies, appoints, and registers Authorized Users (AUs) with the NIMAC.

10. SEA communicates basic accessible materials policies and practices to LEAs.

11. AUs identify Accessible Media Producers (AMPs) that they wish to work with and sign the NIMAC Limitation of Use Agreement (LUA).

12. AUs assign textbook titles as needed to preferred AMPs (adoption list applies only to textbook-adoption SEAs). Some AUs download files directly from the NIMAC.

- a. Performs conversions to specialized formats or, depending on established policies and procedures,
- b. Distributes the NIMAS source files to requesting SEAs or contractors for conversion.

13. SEA establishes baseline data and an approach for demonstrating progress.

14. SEA develops plan to support students who are not Chafee-eligible yet have print disabilities and IEPs.

15. SEA gathers best practices information regarding the preparation, delivery and use of specialized formats.

National Instructional Materials Accessibility Standard (NIMAS)

Useful Resources for SEAs and LEAs

April 2008

General Reference Sources

NIMAS TA and Development Center web site: <http://nimas.cast.org>

What is NIMAS?—overview and graphic: <http://nimas.cast.org/about/nimas/index.html>

Detailed NIMAS/NIMAC resources: <http://nimas.cast.org/about/resources/index.html>

NIMAS Board and Implementation Advisory Council

NIMAS Standards Board: <http://nimas.cast.org/center/board/index.html>

NIMAS Implementation Advisory Council: <http://nimas.cast.org/center/council/index.html>

Background and Technical Information

History and core technologies: <http://nimas.cast.org/about/resources/background.html>

NIMAS technical specification: <http://nimas.cast.org/about/proposal/index.html>

Support for State Agencies

State Director responsibilities: http://nimas.cast.org/about/resources/sea_sped.html

IRCBLVs: <http://www.afb.org/Section.asp?SectionID=58&TopicID=255&DocumentID=2964>

Textbook adoption information: http://nimas.cast.org/about/resources/textbook_adoption.html

Support for Local Education Agencies

Accessible Textbooks in the Classroom: http://nimas.cast.org/about/resources/accessible_textbooks.html

Instructional materials and the IEP: http://nimas.cast.org/about/resources/accessible_iep.html

Suggested language for purchase orders: http://nimas.cast.org/about/resources/lea_critical_role.html

Training Support

Bonnie Jones' OSEP NIMAS/NIMAC overview video:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C10%2C>

NICHEY training module (mod. 8): <http://www.nichcy.org/training/contents.asp#NIMAS>

PowerPoint, PDF, and Word presentation, discussion guides, and hand-outs:

OSEP's NIMAS Q&A:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C5%2C>

OSEP Regional IDEA 2004 Implementation Meetings (RIM) NIMAS PowerPoint:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CPresentation%2C27%2C>

Indiana NIMAS workshop series: <http://www.idealindiana.com/ideal/partners/patins/nimas.php>

The NIMAC

NIMAC web site with resources for SEAs, AMPs, and publishers: <http://nimac.us>

SEA Coordinator registration process: <http://nimac.us/STATECoordinatorProcessFinal.doc>

Authorized User registration process: <http://nimac.us/AuthorizedUserProcessfinal.doc>

Accessible Media Producers and NIMAC: <http://nimac.us/amps.html>

Updated Limitation of Use Agreement (2008 LUA): http://www.nimac.us/Jan_2008_LUA.doc

National Accessible Media Producers

Information about AMPs: http://nimas.cast.org/about/resources/authorized_entities.html

American Printing House for the Blind (APH): <http://www.aph.org/>

Bookshare: <http://www.bookshare.org/web/Welcome.html>

Recordings for the Blind and Dyslexic (RFB&D): <http://www.bookshare.org/web/Welcome.html>

Policy Issues

NIMAS-related legislation: <http://nimas.cast.org/about/resources/legislation.html>

Textbook adoption: http://nimas.cast.org/about/resources/textbook_adoption.html

Selected background papers: <http://nimas.cast.org/about/resources/papers.html>

National Accessible Media Producers

American Printing House for the Blind (APH): <http://www.aph.org/>

Bookshare for Education: <http://www.bookshare.org/>

Recordings for the Blind and Dyslexic (RFB&D): <http://www.rfbd.org/>